

Court of Appeals, State of Michigan

ORDER

Brian Stamm v State Farm Mutual Auto Ins Co

Docket No. 261225

LC No. 04-017489-NF

Janet T. Neff
Presiding Judge

Michael R. Smolenski

Michael J. Talbot
Judges

The Court orders that the motion for review of Taxation of Costs is DENIED. This Court has no authority under MCR 7.219 to tax appellate attorney fees. *Hauster v Reilly*, 212 Mich App 184, 191; 536 NW2d 865 (1995); *Dewald v Isola (After Remand)*, 188 Mich App 697, 700; 470 NW2d 505 (1991). Although plaintiff may be entitled to recover appellate attorney fees under MCL 500.3148, whether he is entitled to those attorney fees and, if he is, in what amount, are questions to be resolved by the trial court. *Bloemsma v Auto Club Ins Ass'n (After Remand)*, 190 Mich App 686, 690-691; 475 NW2d 487 (1991).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 28 2005
Date

Sandra Schultz Mengel
Chief Clerk